IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 12025 of 2004

Between:

1 Chittoori Sundara Rao, S/o Sudarshan,
Gunupudi, Bhimavaram, West Godavari District
2 Smt.Madda Savitramma, W/o Sundarsingh,
Gunupudi, Bhimavaram, West Godavari District

..... PETITIONERS

AND

1 The Regional Joint Commissioner, Multi Zone 1, Endowments Department, Kakinada, East Godavari District
2 The Assistant Commissioner, Endowment Department, Eluru, West Godavari District
3 Sri Someswara Janardhana Swamy Temple, Gunupudi, Bhimavaram, West Godavari District rep.by its Executive officer

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ, order or direction declaring the notices ROC No.46/2004 dated 21-5-2004 and ROC No.40/2004 dated 17-5-2004 issued by the 3rd respondent herein as illegal, arbitrary, unreasonable, null and void and without jurisdiction and opposed the very spirit and object of the provisions of the A.P. Charitable and Hindu Religious institutions and Endowments Lease of Agricultural Lands Rules, 2003

Counsel for the Petitioners: MR.P.VINAYAKA SWAMY, Advocate

Counsel for the Respondents: GP FOR ENDOWMENTS

The Court made the following ORDER:

This writ petition is filed by the petitioners aggrieved by the action of the third respondent in proposing to dispossess them with reference to the lands in respect of which they are tenants of the third respondent – Temple.

2. According to the petitioners, they have been continuing as tenants of the third respondent – Temple for more than twenty years. While so, they made their applications before the second respondent – Assistant Commissioner, Endowment Department, Eluru, for declaration that they are landless poor persons and are entitled for the benefits of the provisions of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act) and the Rules made in G.O.Ms.No.379. However, the second respondent passed orders filling up the blanks in a pre-typed proforma order. Aggrieved by that the petitioners filed appeals before the Regional Joint Commissioner – first respondent herein and their appeals are pending. However, pending disposal of the appeals, the third respondent has issued notice directing the petitioners to hand over possession of the land, though, according to the petitioners they made applications before the first respondent for grant of stay. As no orders are passed, the petitioners have come up with the present writ petition.

3. Heard learned counsel for the petitioners and learned Government Pleader.

4. Admittedly, the appeals filed by the petitioners before the first respondent against the orders of the second respondent are pending and the first respondent did not pass any orders on the stay petition filed by the petitioners. In view of the pendency of the appeals filed by the petitioners before the first respondent, it is not proper for the third respondent to dispossess the petitioners pending disposal of the appeals.

5. Under the above circumstances, the first respondent is directed to dispose of the

appeals filed by the petitioners expeditiously, preferably within a period of three months from the date of receipt of a copy of this order. Pending disposal of the above appeals, the third respondent is directed not to dispossess the petitioners from the land in question. However, the third respondent is entitled to recover the amounts from the petitioners payable for the lands in question for the period for which they would continue to be in possession during the pendency of the appeal or even prior to it.

6. The writ petition is accordingly disposed of at the admission stage.

14.07.2004

Note: Furnish CC in 2 days

B/o

va